IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5876 OF 2004

Unnus Mahiboob Nadaf & Anr. ..Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri D.V. Sutar i/by V.M. Thorat for the Applicants.
Shri V.B. Konde Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : JANUARY 20, 2005

PC :-

. Heard the learned counsel for the parties.

2. The counsel for the applicants fairly accepts that as there is material against Applicant No.1 to indicate his complicity in the commission of the alleged offence, his application for bail is not pressed. In that sense, this application is pressed only on behalf of Applicant No.2.

3. In so far Applicant No.2 is concerned, the prosecution case is that he assaulted the injured complainant on his head with the help of iron zhari. However, this position is not supported by the injury

certificate. There is no injury sustained on the head of the complainant. More over so called iron zhari has not been recovered. Besides, chargesheet has already been filed as investigation is complete and nine other co-accused are already on bail. Hence, Applicant No. 2 deserves to be enlarged on bail on the following terms and conditions :-

(a) Applicant No.2 Munna @ Munieer Siraj Pathan is enlarged on bail in connection with C.R.No. 149/2004 registered with Jail Road Police Station, Solapur on executing personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five thousand only) with two local sureties in the like amount.

(b) The Applicant No.2 shall not enter jurisdiction of the Jail Road police station during the pendency of the trial.

(c) The Applicant No.2 shall inform his place of residence to the investigating officer as well as the trial court within one week from the date of his release. Besides, the applicant shall report to the nearest police station once in fortnight on Saturday

between 10 a.m. to 1 p.m..

(d) The applicants shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

(e) The Applicant shall extend full co-operation to the investigating officer as and when called upon as well as for early disposal of the trial. If the trial court is of the opinion that he is responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

4. Ordered accordingly.

.....